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## **SIX INDICTED IN SCHEME TO POACH AND SMUGGLE PROTECTED CALIFORNIA LEOPARD SHARKS**

### ***Thousands of Juvenile Leopard Sharks Allegedly Harvested from San Francisco Bay***

OAKLAND – United States Attorney Kevin V. Ryan announced that a federal grand jury indicted six individuals on charges of criminally catching and selling thousands of undersized juvenile leopard sharks ( *Triakis semifasciata* ). The indictment, which was returned on January 24, 2006, and unsealed yesterday afternoon, alleges that the pastor of a San Leandro church, four individuals involved in the aquarium industry, and a fisherman violated the Lacey Act, which makes it a federal offense to knowingly sell or purchase fish, wildlife or plants that were captured in violation of any underlying law. These Lacey Act charges specifically incorporate California State law, which places a minimum size limit of 36 inches for any commercial harvest of California leopard sharks.

The indictment charges five of the six individuals with conspiracy to harvest thousands of undersized (under 36 inches in length) California leopard sharks from the San Francisco Bay, and then sell and ship the juvenile sharks to pet trade distributors throughout the U.S. and internationally. The indictment specifically charges that approximately 465 juvenile leopard sharks were sold to companies in Miami, Chicago, Houston; Romulus, Michigan; Milford, Connecticut; the Netherlands, and the United Kingdom.

The following individuals were charged in the indictment unsealed yesterday:

Kevin Thompson, 48, of San Leandro, California, is the pastor at the Bay Area Family Church, Holy Spirit Association - Unification Worldwide Church in San Leandro, California. Mr. Thompson and the church co-owned at least one vessel.

John Newberry, 34, of Hayward, California, worked at Pan Ocean Aquarium Inc. and was previously a commercial fisherman;

Ira Gass, 53, of Azusa, California, is a marine aquaria dealer in Azusa, California, who operated Indorica Fish Imports, an aquaria business;

Hiroshi Ishikawa, 36, of San Leandro, was a member of the Bay Area Family Church in San Leandro and a fisherman;

Vincent Ng, 43, of Oakland, owned Amazon Aquarium Inc. in Alameda, California.

Sion Lim, 39, of San Francisco, California, owned Bayside Aquatics, located in Oakland California, and was charged with one violation of the Lacey Act for the illegal sale of juvenile leopard sharks on May 6, 2004.

California leopard sharks are a species of shark within the Triakidae family and are commonly found in ocean waters along the Oregon, California, and Baja Mexico coasts. Juvenile leopard sharks are commonly found in bays and estuaries from the California/Oregon border south to Baja, Mexico. Major pupping areas where young California leopard sharks are born are found within San Francisco and Monterey Bays as well as the southern California coast. The pupping season extends from March through July with a peak between April and May. Pups are born live and are approximately 10 inches in length.

In January 1994, California leopard sharks were afforded extra protection under California State law when the California Department of Fish & Game Code placed a minimum size limit of 36 inches for any commercial take of the species within California jurisdiction. This size limit was implemented because the California leopard shark is a slow growing species which does not reach sexual maturity until it is between 7 to 13 years of age. The species may live as long as 30 years. Because of these factors and others, including increased commercial and sport fishing, California State wildlife authorities have established these management measures to ensure the species' ability to maintain healthy stocks in the wild.

Both the John G. Shedd Aquarium in Chicago, Illinois, and the Monterey Bay Aquarium in Monterey, California, collaborated with and assisted federal wildlife agents and Illinois Conservation officers in the transport and care of 19 baby leopard sharks confiscated during the course of the investigation. The baby sharks, which ranged in size from eight-and-a-half to 17 ½ inches, were shipped to California in July 2004 by Shedd Aquarium staff and received further care at the Monterey Bay Aquarium. Nine were ultimately returned to the wild in Monterey Bay in the summer of 2004. Three remain on exhibit at Monterey Bay Aquarium; seven died either at the Shedd Aquarium or Monterey Bay Aquarium because of their poor condition at the time they were confiscated.

Five of the individuals identified in the indictment were arrested yesterday at various locations around the East Bay and Ira Gass was arrested in Los Angeles on Monday, February 6, 2006. All of those arrested made their initial appearances in federal court in Oakland and Los Angeles yesterday. Four of the five appearing in Oakland federal court were released on \$100,000 bail. John Newberry was held in custody pending determination of his immigration status. Ira Gass was released on \$50,000 bond, and has been ordered to appear in Oakland on February 9, 2006, at 10 a.m. The other five defendants are scheduled to appear on Monday, February 13, 2006, for identification of counsel before Magistrate Judge Wayne D. Brazil.

The maximum statutory penalty for conspiracy to violate the Lacey Act, in violation of 18 U.S.C. § 371, is five years in prison, a fine of \$250,000, and restitution if appropriate. The maximum statutory penalty for each count of violating the Lacey Act is five years in prison, a \$250,000 fine, and restitution if appropriate. However, any sentence following conviction would be imposed by the court after consideration of the U.S. Sentencing Guidelines and the federal statute governing the imposition of a sentence, 18 U.S.C. § 3553.

An indictment contains only allegations against an individual and, as with all defendants, all six of these defendants must be presumed innocent unless and until proven guilty.

Stacey Geis and Maureen Bessette are the Assistant U.S. Attorneys prosecuting the case with the assistance of Ana Guerra. These charges are a result of a nearly two-year long investigation conducted by National Oceanic and Atmospheric Administration's Fisheries Office for Law Enforcement in conjunction with the U.S. Fish & Wildlife Service, California Department of Fish & Game, the United Kingdom's Department for Environment Food and Rural Affairs (DEFRA) Fish Health Inspectorate and The Netherlands General Inspection Service (AID).

**Further Information:**

A copy of this press release may be found on the U.S. Attorney's Office's website at [www.usdoj.gov/usao/can](http://www.usdoj.gov/usao/can).

Electronic court filings and further procedural and docket information are available at <https://ecf.cand.uscourts.gov/cgi-bin/login.pl>.

Judges' calendars with schedules for upcoming court hearings can be viewed on the court's website at [www.cand.uscourts.gov](http://www.cand.uscourts.gov).

All press inquiries to the U.S. Attorney's Office should be directed to Luke Macaulay at (415) 436-6757 or by email at [Luke.Macaulay@usdoj.gov](mailto:Luke.Macaulay@usdoj.gov).

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